UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ShelaLara Vineyards and Winery, et al

VS. **CA NO. 15-001-M**

The Purple Cat Vineyard and Winery, et al

OBJECTION TO PLAINTIFFS' MOTION FOR SANCTIONS

Now come Defendants Daniel Ribeiro, Andrew Gold, and The Purple Cat Vineyard and Winery, Inc. and hereby objects to Plaintiffs' motion for sanctions. The basis for the objection is that the Plaintiffs requests are overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' motion concerns three specific requests for document production which have been objected to or have otherwise been other response.

Request No. 7: All financial documents related to The Purple Cat including but not limited to: accounting records, profit and loss statements, bank statements, credit card statements, deposits, forecasts, merchant services reports, sales receipts, sales reports, ledgers, cash and credit card transactions, cash drawer reports, Purple Cat sales invoices (wholesale and retail), invoices/statements from any and all vendors or partners, payroll records regardless of status as employee or 1099 or volunteer, trade/barter agreements, donations by or to The Purple Cat, all bills to The Purple Cat or related companies for any and all utilities, services, products, consultations including proof of payment and balances due or unpaid.

RESPONSE NO. 7: Defendants object to this request as it overly broad and seeks information that is protected trade secrets, proprietary information, and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objected to production of these documents based upon the fact that Plaintiffs request is overly broad. Plaintiffs are engaging in a fishing expedition and this request is not tailored to lead to the discovery of admissible evidence. As of this date, Purple Cat is an ongoing and viable business concern. Requiring production of bank statement, financial statements, etc. for an unlimited period of time is unreasonable. The Plaintiffs allege that Defendants conspired against Plaintiff in misappropriating confidential trade secrets. The request posed has no connection with Andrew allegedly misappropriating and using fruit essence wine recipes. The allegations against Daniel Ribeiro concern his alleged misappropriation of retail client lists, client preferences, and unauthorized discounts on Plaintiffs fruit essence wines while he was still an employee of Shelalara. The request will not produce evidence relevant to these allegations. The requests is merely designed to disrupt Purple Cat operations and harass the Defendants.

Request No. 13: All correspondence with or concerning any web designers/ developers/ firms and related documentation related to: The Purple Cat, Vine Nut Systems, Philanthropy Tea & Coffee Co., and/or The Theater Company of Rhode Island, including but not limited to design plans, quotes, meeting notes, hosting account records, and payment history.

RESPONSE NO. 13: Defendants object to this request as it overly borad and seeks information that is protected trade secrets, proprietary information, and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objected to production of these documents based upon the fact that Plaintiffs request is overly broad. Plaintiffs are engaging in a fishing expedition and this request is not tailored to lead to the discovery of admissible evidence. As of this date, Purple Cat is an ongoing and viable business concern. The Plaintiffs allege that Defendants conspired against Plaintiff in misappropriating confidential trade secrets. The request posed has no connection with Andrew allegedly misappropriating and using fruit essence wine recipes. The allegations against Daniel Ribeiro concern his alleged misappropriation of retail client lists, client preferences, and unauthorized discounts on Plaintiffs fruit essence wines while he was still an employee of Shelalara. The request will not produce evidence relevant to these allegations. Furthermore, the Defendants did not maintain any meeting notes. In addition all such meetings occurred after the Purple Cat's formation and well after the alleged malfeasance of the Defendants.

Request No. 14: All correspondence between you and any event planner related to any proposed or planned event to be held at or was held at The Purple Cat and/or was held in conjunction with The Purple Cat, including but not limited to any plans for the event, promotional materials, engagement agreements, and social media posts.

RESPONSE NO. 14: Defendants object to this request as it overly borad and seeks information that is protected trade secrets, proprietary information, and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objected to production of these documents based upon the fact that Plaintiffs request is overly broad. Plaintiffs are engaging in a fishing expedition and this request is not tailored to lead to the discovery of admissible evidence. As of this date, Purple Cat is an ongoing and viable business concern. The Purple Cat's social media posts range a number of years and are as easily accessible on Facebook to Plaintiff as they are to the Defendants. It is not an easy task to print out years of social media posts that are not relevant to the allegations in the underlying complaint.

Wherefore, Defendant prays that Plaintiffs' motion for sanctions is denied.

Defendants
By their attorney,

/s/ Corey J. Allard, Esq.

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Corey J. Allard, Esquire #7476
P.O. Box 28263
Providence, RI 02908

Certification

I hereby certify that the above was filed using the CM/ECF system on January 25, 2017.

/s/ Corey J. Allard, Esq.

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